

REMARKS**1.) Claim Amendment**

Applicant has amended claim 19 to better claim the invention. Accordingly, claims 1-2, 4-14 and 19 are pending in the present patent application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103

Claims 1-2, 4-5, 7-13 and 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,629,693 issued to Janky (hereinafter "Janky") in view of U.S. Patent No. 6,438,380 issued to Bi et al. (hereinafter "Bi"). Before addressing this rejection in detail, it should be noted that the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *MPEP 2142*. To establish *prima facie* case of obviousness, certain criteria must be met. First, the prior art reference or references when combined must teach or suggest all the claim limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. With the above requirements in mind, Applicant respectfully traverses this rejection per discussion below.

Regarding independent claims 1 and 11, each includes a limitation regarding a transceiver that "*continuously transmits a tone in response to a received position request if the positioner is unable to determine the position information.*" Applicant respectfully submits that the cited prior art references, alone or in combination, fail to teach or suggest such limitation. In the current Office Action, the Examiner admits that Janky does not teach this limitation and thus relies on Bi to do so by citing its column 7, lines 19-30. *Office Action, pages 2-3*. Turning to Bi, it discloses a mobile-telephone that continuously transmits access probes requesting a base station for a traffic or communication channel assignment. *Column 6, lines 55-57*. Thereafter a base station acknowledges its receipt of the access probes by transmitting a traffic channel

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assignment to the mobile-telephone. *Column 7, lines 14-16.* Upon receiving the traffic channel assignment, the mobile-telephone transmits a traffic channel signal to the base station and will continue to do so until the mobile-telephone receives another acknowledgment from the base station. *Column 7, lines 16-24.* Thus, such continuous transmission of the traffic channel signal by mobile-telephone is in response to the mobile-telephone's receipt of the traffic channel assignment by the mobile-telephone. In contrast, the present inventive transceiver continuously transmits a tone in response to a received position request. Thus, Bi also fails to teach or suggest the above-mention limitation.

Accordingly, Applicant believes independent claims 1 and 11 are non-obvious and patentably distinguishable over Janky in view of Bi.

Regarding claims 2, 4-5 and 7-10, they depend from independent claim 1, which is believed to be patentable as discussed above, and thus they should also be non-obvious and patentably distinguishable over Janky in view of Bi. *MPEP 2143.03.*

Regarding claims 12-13, they depend from independent claim 11, which is believed to be patentable as discussed above, and thus they should also be non-obvious and patentably distinguishable over Janky in view of Bi. *MPEP 2143.03.*

Regarding independent claim 19, it contains limitations that are similar to those of independent claims 1 and 11, which are believed to be patentable as discussed above. Accordingly, claim 19 is also believed to non-obvious and patentably distinguishable over Janky in view of Bi.

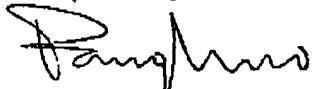
Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Janky in view of Bi and further in view of U.S. Patent No. 5,712,899 issued to Pace, II (hereinafter "Pace"). Regarding claim 6, it depends from independent claim 1, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over Janky in view of Bi and further in view of Pace. *MPEP 2143.03.* Regarding claim 14, it depends from independent claim 11, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over Janky in view of Bi and further in view of Pace. *MPEP 2143.03.*

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CONCLUSION

Claims 1-2, 4-14 and 19 are presently standing in this patent application. In view of the foregoing remarks, each and every point raised in the Office Action mailed on March 12, 2004 has been addressed on the basis of the above remarks. Applicants believe all of the claims currently pending in this patent application to be in a condition for allowance. Reconsideration and withdrawal of the objections and rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicants' attorney would advance the prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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